

ENTERED

February 22, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

OTIS GRANT,

Plaintiff,

vs.

HARRIS COUNTY,

Defendant.

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CIVIL ACTION NO. 4:16-cv-3529

ORDER

Pending before the Court is the defendant's, Harris County (the "defendant"), motion for summary judgment. (Dkt. No. 69). After having carefully considered the motion, response, if any, the record and the applicable law, the Court determines that the defendant's motion for summary judgment should be **DENIED**. This ruling is supported by the pleadings, motions, admissions and other submissions on file, which indicate that, at the very least, disputed issues of material fact remain. Without commenting on the strength or credibility of the conflicting evidence presented, the Court deems summary judgment inappropriate under the circumstances. *See E.E.O.C. v. R.J. Gallagher Co.*, 181 F.3d 645, 652 (5th Cir. 1999) ("This is a swearing match-a factual dispute which must be resolved by the ultimate fact finder, not by the judge on summary judgment."). Accordingly, the defendant's motion for summary judgment is hereby **DENIED**.

It is so **ORDERED**.SIGNED on this 22nd day of February, 2018.


Kenneth M. Hoyt
United States District Judge